

## PRENTICE HOLMES.

JULY 2, 1898.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

### REPORT.

[To accompany H. R. 5463.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5463) granting an honorable discharge to Prentice Holmes, have duly considered the same and submit the following report:

In the House the following report was made:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5463) granting an honorable discharge to Prentice Holmes, having had the same under consideration, submit the following report thereon:

The records of the War Department show that Prentice Holmes was mustered as second lieutenant in Company A, Eighty-sixth New York Volunteers, November 20, 1861, and as first lieutenant to date July 1, 1863, and was discharged from the service by order of the Secretary of War known as Special Orders, No. 564, of December 21, 1863, after an examination held by a military board convened under Special Orders, No. 298, Headquarters Army of the Potomac, November 18, 1863, issued by command of Major-General Meade, which board reported adversely in the case of the soldier, and the same having been approved by the President, although such board in consideration of the good examination passed by the officer, recommended that instead of dismissal he be reprimanded in general orders. The order organizing the board required it to examine into the capacity, qualifications, propriety of conduct, and efficiency of such officers of volunteers serving in the division as may be ordered before it, the said Prentice Holmes having been ordered before said board upon complaint of Col. B. L. Higgins, of his regiment, to be examined upon the following grounds:

1. As to being deficient in military tactics and of a knowledge of the duties which devolved on him.
2. As being unfit to command by reason of a want of self-respect, playing at cards with enlisted men in his own and their quarters, and having no regard for his personal appearance as an officer.

The records show that the board, after a thorough examination of said Holmes, reported that it did not find him deficient in a knowledge of tactics, and after a careful consideration of the testimony adduced found that he had been guilty of a great want of self-respect in playing at cards with enlisted men of his regiment; but, in consideration of the good examination passed, recommended that instead of dismissal he be reprimanded in general orders. With the permission of the board, the said Lieutenant Holmes made the following statement in mitigation of his offense:

"I have always been in the habit of playing at cards, before I entered the service and since. Since entering the service I have never been admonished not to play at cards, except that about two weeks since I heard the colonel remark that he hated

the sight of cards, since which time I have not played. Formerly, when he was captain of the company of which I was second lieutenant, he destroyed all the cards he found in quarters. The company in which I am a lieutenant was raised in my own neighborhood, and is composed of my neighbors and associates, and it is difficult to break up old associations."

The report of the board was disapproved by Brig. Gen. J. H. Hobart Ward, commanding division, on account of the total lack of self-respect exhibited, thereby unfitting the officer to command, and recommended his dismissal. This was transmitted by Maj. Gen. William H. French to Major-General Meade with the indorsement, "The opinion of the board approved," and this was forwarded by Maj. Gen. George G. Meade, commanding Army of the Potomac, to the Adjutant-General of the Army, with a recommendation that the officer be dismissed, but without any reason or further comment. It was thereupon submitted to the Secretary of War by the Adjutant-General, with the recommendation that the adverse decision of the board in the case of Lieutenant Holmes be approved and that he be discharged from the service, which was accordingly done.

The charge as to deficiency in military tactics and knowledge of his duties was not only not sustained, but so utterly groundless that the excellent qualifications of the officer in this regard were such as to justify the board, notwithstanding they found him guilty of playing cards with enlisted men and wanting in self-respect, in recommending that he be reprimanded in general orders instead of being dismissed. We have, therefore, only the charge of playing cards with enlisted men and showing a want of self-respect, the latter being predicated upon the former, constituting the sole grounds for the discharge of the officer. In the opinion of your committee the punishment was extremely disproportionate to the trivial offense of which the officer was found guilty. The dismissal of the officer for the reason and under the circumstances involved in this case must have been prompted by some ulterior motive not disclosed in the evidence and which in the opinion of your committee should not have turned the scale against him, and it would now be but a simple act of justice to right as far as possible the grievous wrong thus committed.

A similar bill was favorably reported by the House Committee on Military Affairs, Fifty-first Congress, and passed the House February 6, 1891.

Your committee recommends that the bill be amended by adding thereto the following proviso, viz:

"*Provided*, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act."

And that when so amended the bill do pass.

Section 10 of the act of July 22, 1861, under which the proceedings were had in this case, is as follows, to wit:

SEC. 10. That the general commanding a separate department or detached army is hereby authorized to appoint a military board or commission of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct, and efficiency of any commissioned officer of volunteers within his department or army who may be reported to the board or commission; and upon such report, if adverse to such officer, and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible to sit on such board or commission whose rank or promotion would in any way be affected by its proceedings, and two members at least, if practicable, shall be of equal rank of the officer being examined.

In this case the President approved the adverse report, and he alone should be authorized to disapprove it, and when disapproved by him the Secretary of War should revoke and annul the order of dismissal.

Your committee accordingly recommend a substitute for this bill and the passage of the substitute.